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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,320	02/12/2001	Donald C. Johnson	P-3906-1	6715

7590

04/09/2002

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EXAMINER

HOEY, ALISSA L

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 04/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES GROUP 3700

Paper No. 11

Application Number: 09/780,320
Filing Date: February 12, 2001
Appellant(s): JOHNSON ET AL.

Myron Amer
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/17/02.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that

there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claim 1 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim 1 is rejected under 35 U.S.C. 102 (b). This rejection is set forth in prior Office Action, Paper No. 4. Additionally, it is noted that appellant recites a selected transverse dimension of the intermediate strip as a work-in process. The dimension of the strip as a work-in process does not define the construction of the finished article that appellant is claiming in claim 1 in which a seamless shoulder strap is recited.

Accordingly this recitation is of no patentable significance.

(11) Response to Argument

Appellant claims in claim 1, lines 8-10; the transverse dimension of the strip while it is being formed. This recitation has no significance to the finished product (viz the shoulder strap).

Appellant argues that it is not obvious to fuse the strap component 16 of Hyams et al. Examiner disagrees since the strap component 16 is clearly anticipated in the specification that it is fused together (Hyams et al.: column 4, lines 67-68). The strap edge refers to the entire structure of the edge including the strap component 16 (column 2, lines 10-15). The bonding of the layers together does not stop at the padded area but covers the entire edge including the strap component 16 (figures 1A, 1B and 2). Further appellant argues that the edges of Hyams et al. are not parallel. The Examiner disagrees since appellant broadly claims the "strips orientated in parallel relation",

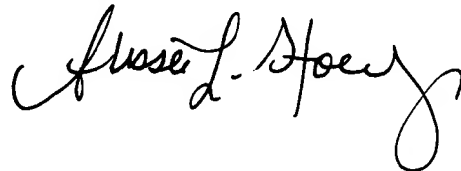
Art Unit: 3765

Hyams et al. provides straps having parallel relation in the strap component 16 (figure 1B).

In review, Hyams et al. discloses a seamless brassiere strap having fused edges creating a compartment containing a padded portion therein (column 1, lines 63-68 through column 2, lines 1-26).

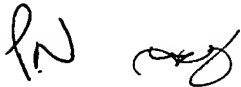
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

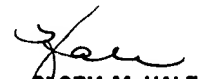


alh
April 4, 2002

Conferees



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